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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,991	01/10/2005	Horst-Hartwig Schwicker	PHDE020168US	5157
38107	7590	05/04/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER LARYEA, LAWRENCE N	
			ART UNIT	PAPER NUMBER
			3768	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,991	Applicant(s) SCHWIEKER ET AL.	
	Examiner Lawrence N. Laryea	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/10/2005</u> | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Paltieli (Patent 6216029)** in view of **Pant et al (Patent 6461314)**.

3. Re Claims 1,3 and 8: **Paltieli et al** disclose a therapy combination which comprises a locating unit (28) for locating a therapy zone within an object and also comprises a therapy unit which is provided with a therapy head (**See Col. 6, lines 40-45 and Col. 2, lines 50-56**) the therapy unit and the locating unit are capable of being moving relative to one another (**it is known to move the devices in any desired positions See Col. 2, lines 6-10 and Col. 2, lines 34-40**), there also being provided a measuring device which comprises two sub-systems (**30 and 34** and serves to determine the relative position of the two sub-systems, one sub-system being attached to the locating unit while the other sub-system is attached to the therapy unit in a defined position relative to the therapy head. (**See Figure 4 and Col. 2, line 10-11**).

4. Re Claim 2: **Paltieli et al** disclose a therapy combination which comprises a display unit (**22**) for the display of images formed by means of the locating unit, and also comprises means (**20**) for determining the position of the focus in an image formed by the locating unit from the determined relative position of the sub-systems, and also

means for generating a mark characterizing the position in the image. (**Col. 6, lines 17-56**).

5. **Paltieli** discloses the claimed invention, see rejection supra; **Paltieli** does not expressly disclose therapy head is use for focusing energy in a focus.

6. **Pant et al** disclose a therapy head which is use for focusing energy in a focus and a display unit for displaying images. (**See Col. 10, lines 8-12, Col. 3, lines 36-65 and Col. 7, lines 1-50**)

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the therapy combination system similar of **Paltieli** such that therapy unit includes a therapy head which focuses energy in a focus of **Pant et al** in order to use the energy for medical treatment .

7. Claims 4,5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Paltieli (Patent 6216029)** in view **Pant et al (Patent 6461314)** and further view of **Schwieker et al (Patent 5836898)**.

8. Re Claims 4-6: **Paltieli** and **Pant** disclose the claimed invention, see rejection supra; **Paltieli** disclose associated sub-system of the measuring device being attached to the one of the components attached thereto. However, **Paltieli** and **Pant** do not disclose that the therapy combination comprises an X-ray source and the X-ray image converter which are attached to the ends of a C-arm and the therapy unit and the locating unit are displaceable on a respective carriage.

9. **Schwieker** discloses a therapy combination comprises an X-ray source and the X-ray image converter which are attached to the ends of a C-arm, the therapy unit and the locating unit are displaceable on a respective carriage (**See Figures 1-5**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the therapy combination system similar **Paltieli** and **Pant** such that the therapy combination comprises an X-ray source and the X-ray image converter which are attached to the ends of a C-arm and the therapy unit and the locating unit are displaceable on a respective carriage similar to that of **Schwieker** in order to move the components to a desired positions or relatively to one another.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Paltieli** in view **Pant et al** in view of **Schwieker** and in further view **Simon et al (Patent 6990368)**.

11. Re Claim 7: **Paltieli** as modified by **Pant** and **Schwieker** disclose the claimed invention, see rejection supra; however, **Paltieli**, **Pant** and **Schwieker** do not expressly disclose that the therapy combination comprises a third sub-system which co-operates therewith is attached to the an X-ray source or the X-ray image converter in order to monitor the relative position of the X-ray source and the X-ray image converter.

12. **Simon et al** disclose a therapy combination comprises a third sub-system (**130**) which is capable of monitoring the relative position of the X-ray source (**104**) and the X-ray image converter (**105**). (**See Figure1, Col. 5, lines 41-63**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the therapy combination system similar of **Paltieli**, **Pant** and **Schwieker** to include sub-systems (third system) to monitor the relative positions of

the medical components such as X-ray source **(104)** and the X-ray image converter **(105)** similar to that of **Simon et al** in order to detect a change in the relative positions between the medical components for medical treatments.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Paltieli** in view **Pant et al** and further view of **Cabral et al (Patent 6217214)**.

14. Re Claim 9: **Paltieli** and **Pant** disclose the claimed invention, see rejection supra; **Paltieli** as modified by **Pant** do not expressly disclose that the therapy combination comprise a patient table which table top can be displaced in three mutually perpendicular directions.

15. **Cabral et al** disclose a therapy combination wherein a patient table whose table top can be displaced in three mutually perpendicular directions (**See Figure 27 and Abstract**)

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the therapy combination system similar to that of **Paltieli** and **Pant** to include a patient table which table top can be displaced in three mutually perpendicular directions similar to that of **Cabral et al** in order to move the table top or the patient on the table in any desired directions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence N. Laryea whose telephone number is 571-272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL


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SUPERVISORY PATENT EXAMINER